

ALBANY COMMON COUNCIL MINUTES OF A REGULAR MEETING

Monday, July 20, 2015

The Common Council was convened at 7:00 p.m. and was called to order by President McLaughlin.

The roll being called, the following answered to their names: Council Members Applyrs, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O'Brien and Robinson.

Also present was the following staff: Nala Woodard, Barbara Samel, Patrick Jordan, and Cashawna Parker.

Council Member Golby led the Pledge of Allegiance.

PUBLIC COMMENT PERIOD

1. Alice Green, Center for Law and Justice, 220 Green Street, Albany, NY (Support Resolution 42.71.15R in relation to the creation of a statewide Truth, Justice and Reconciliation Commission);
2. Terry O'Neal, 102 Willett Street, Albany, NY (Resolution 48.72.15R confirming the appointment of Brendan Cox as police chief);
3. John Wolcott, 344 Sheridan Avenue, Albany, NY (Saving Holy Innocence Church from demolition);
4. Beverly Padgett, 79 Third Street, Albany, NY (Resolution 48.72.15R confirming the appointment of Brendan Cox as police chief & Albany Community Policing Advisory Committee);
5. Tyshaun Goldstein, 80 Third Street, Albany, NY (Issues at the Albany boxing facility);
6. Jim Lyons, 101 Melrose Avenue, Albany, NY (25th Anniversary of the Americans With Disabilities Act);
7. James Davis, 90 Dove Street, Albany, NY (Issues at the Albany boxing facility);

President Pro Tempore Conti made a motion to extend public comment period for an additional 30 minutes, which was approved by unanimous voice vote.

8. Andy Faragon, 2040 Debutant Road, Guilderland, NY (Issues at the Albany boxing facility);
9. Donya Edmonds, 252 Second Street, Albany, NY (Resolution 48.72.15R confirming the appointment of Brendan Cox as police chief);
10. Nancy Benedict, 31 Forest Avenue, Albany, NY (PEG Access television);
11. Vincent Riguso, 13 Beach Avenue, Albany, NY (Resolution 48.72.15R confirming the appointment of Brendan Cox as police chief).

There being no further speakers, the President declared the Public Comment Period closed.

President Pro Tempore Conti made a motion to change the order of business to allow for the introduction and consideration of Resolution Number 48.72.15R, which was approved by unanimous voice vote.

Council Member Golby introduced RESOLUTION NUMBER 48.72.15R, requested passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF BRENDAN J. COX AS THE CHIEF OF THE ALBANY POLICE DEPARTMENT

WHEREAS, the Mayor of the City of Albany has, pursuant to the provisions of Article 3 of the City Charter, appointed Brendan J. Cox as the Chief of the Albany Police Department.

NOW, THEREFORE, BE IT RESOLVED, that Brendan J. Cox is confirmed as the Chief of the Albany Police Department, and that he will establish his residency in the City of Albany after his son's high school graduation in 2016.

**Note: Council Members Golby, Fahey, Kornegay, Bailey, Igoe, Conti and President McLaughlin spoke on this resolution prior to passage.*

The resolution passed by the following vote of all Council Members elected voting in favor thereof:

Affirmative – Applyrs, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O'Brien and Robinson

Affirmative 15 Negative 0 Abstain 0

Resolution Number 48.72.15R was co-sponsored by Council Members Applyrs, Bailey, Conti, Doesschate, Fahey, Flynn, Herring, Igoe, Kimbrough, Kornegay and O'Brien.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Deferred

CONSIDERATION OF LOCAL LAWS:

Council Member Conti asked for passage of LOCAL LAW H-2015 (A LOCAL LAW AMENDING PART 13 (PLANNING BOARD OF THE CITY OF ALBANY) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY IN ORDER TO AMEND THE TERMS OF OFFICE), which had been previously introduced.

The local law passed by the following vote of all Council Members elected voting in favor thereof:

Affirmative – Applyrs, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O'Brien and Robinson

Affirmative 15 Negative 0 Abstain 0

The remaining local laws on the pending agenda were held at the request of President Pro Tempore Conti.

REPORTS OF STANDING COMMITTEES:

Human Rights and Human Resources – Chairperson Fahey stated that the committee met on July 13, 2015 and tonight, July 20, 2015 prior to caucus to interview appointments to the Living Wage Compliance Committee, which were all reported out of committee with a favorable recommendation.

Planning, Economic Development and Land Use - Chairperson Herring reported that the committee

met on July 16, 2015 to discuss Resolution 37.62.15R appointing William Bradow to the Historic Resource Commission, which was reported out of committee favorably. The committee also received an update on the Capital Resource Commission/Industrial Development Agency.

Public Safety - Chairperson Golby reported that the committee met July 7, 2015 to discuss the Mayor's appointment of Brendan Cox as Chief of the Albany Police Department. She stated that the Deputy Chief Cox was thorough in his answers and responded to questions. The Committee favorable recommended Deputy Chief Cox as Chief of police. The committee also approved a waiver to allow the Chief to continue to live outside of the City of Albany so that his son can continue school. Chairperson Golby discussed that the committee would be meeting on July 23, 2015 to interview applicants to the Citizen Police Review Board.

President Pro Tempore Conti made a motion to change the order business to allow for the consideration of Resolution Number 47.72.15R, which was approved by unanimous voice vote.

Council Member Kimbrough introduced RESOLUTION NUMBER 47.72.15R, asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL ISSUING A NEGATIVE DECLARATION IN ACCORDANCE WITH ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW (SEQRA), AND ITS IMPLEMENTING REGULATIONS REGARDING THE PROPOSED CREATION OF AN OVERLAY DISTRICT TO BE KNOWN AS THE MEDICAL MARIJUANA OVERLAY DISTRICT

WHEREAS, Ordinance 39.61.15 was introduced by the City of Albany Common Council on June 1, 2015, which proposed creating a medical marijuana overlay district; and

WHEREAS, the Common Council declared itself Lead Agency for coordinated review at a public meeting held on June 1, 2015 in connection with the proposed rezoning; and

WHEREAS, the Common Council received a Full Environmental Assessment Form, in conjunction with said proposed rezoning; and

WHEREAS, the proposed rezoning was the subject of a Public Hearing held by the Common Council on July 6, 2015, where public comment was received; and

WHEREAS, the action is subject to the provisions of the State Environmental Quality Review Act ("SEQRA"), as set forth in Environmental Conservation Law Article 8, and its implementing regulations; and

WHEREAS, the rezoning is determined to be a Type I action pursuant to SEQRA; and

WHEREAS, the record demonstrates that the rezoning will not have a significant adverse environmental impact, and that a Negative Declaration of Environmental Significance should be issued.

NOW, THEREFORE, BE IT RESOLVED, that based upon the review and consideration of the Full Environmental Assessment Form and public comments, the Common Council finds and declares the action to be a Type I pursuant to the New York State Environmental Conservation Law, and its implementing regulations, and having duly considered the entire record before it, declares that the creation of a commercial office residential overlay district has no potentially significant adverse impacts upon the

environment, as that term is defined in SEQRA, will not require the preparation of a full Environmental Impact Statement and therefore issues a Negative Determination of Environmental Significance.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

The resolution passed by the following vote of all Council Members elected voting in favor thereof:

Affirmative – Applyrs, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson

Affirmative 15 Negative 0 Abstain 0

CONSIDERATION OF ORDINANCES

Council Member Kimbrough asked for passage of ORDINANCE NUMBER 39.61.15 (AN ORDINANCE AMENDING CHAPTER 375 (ZONING) OF THE CODE OF THE CITY OF ALBANY REGARDING A MEDICAL MARIJUANA ZONING OVERLAY), which had been previously introduced.

The ordinance passed by the following vote of all Council Members elected voting in favor thereof:

Affirmative – Applyrs, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson

Affirmative 15 Negative 0 Abstain 0

The remaining Ordinances on the pending agenda were held at the request of President Pro Tempore Conti.

CONSIDERATION OF RESOLUTIONS

Council Member Herring introduced RESOLUTION NUMBER 45.72.15R, which was approved by unanimous voice vote:

RESOLUTION OF THE COMMON COUNCIL REAPPOINTING LORI M. QUILLEN AS A MEMBER OF THE SUSTAINABILITY ADVISORY COMMITTEE

WHEREAS, the Common Council of the City of Albany, pursuant to the Section 42-133 of Chapter 42 of the Code of the City of Albany, reappoints Lori M. Quillen as a member of the Sustainability Advisory Committee.

NOW, THEREFORE, BE IT RESOLVED, that Lori M. Quillen is hereby reappointed as a member of the Sustainability Advisory Committee for a term expiring June 30, 2018.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

The resolution passed by the following voice vote of all Council Members elected voting in favor thereof:

Affirmative – Applyrs, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson

Affirmative 15 Negative 0 Abstain 0

Resolution Number 45.72.15R was co-sponsored by Council Member Golby.

Council Member Herring introduced RESOLUTION NUMBER 45.72.15R, which held:

**RESOLUTION OF THE COMMON COUNCIL APPOINTING JENNIFER VIGGIANI AS
A MEMBER OF THE SUSTAINABILITY ADVISORY COMMITTEE**

WHEREAS, the Common Council of the City of Albany, pursuant to the Section 42-133 of Chapter 42 of the Code of the City of Albany, appoints Jennifer Viggiani as a member of the Sustainability Advisory Committee.

NOW, THEREFORE, BE IT RESOLVED, that Jennifer Viggiani is hereby appointed as a member of the Sustainability Advisory Committee for an un-expired term ending June 30, 2017.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Council Member Bailey introduced RESOLUTION NUMBER 49.72.15R, which was approved by unanimous voice vote:

**RESOLUTION OF THE COMMON COUNCIL SUPPORTING ARBOR HILL
DEVELOPMENT CORPORATION IN ITS APPLICATION TO NEW YORK STATE
HOMES AND COMMUNITY RENEWAL FOR STATE ASSISTANCE IN FUNDING THE
ARBOR HILL RISING PROJECT**

WHEREAS, the Arbor Hill Development Corporation is requesting financial aid from the State of New York to assist in funding for the Arbor Hill Rising Project in the City of Albany; and

WHEREAS, the Arbor Hill Development Corporation is applying to New York State Homes and Community Renewal for funding under the New York Main Street Program; and

WHEREAS, the Arbor Hill Development Corporation is applying for these funding sources through the 2015 New York State Consolidated Funding Application Round; and

WHEREAS, the grant applications require that the applicant obtain the approval and endorsement of the governing body of the municipality in which the project will be located.

WHEREAS, the proposed application supports and advances the goals of the adopted Albany 2030 comprehensive plan, the citywide economic development strategy and applicable neighborhood revitalization plans; and

WHEREAS, the proposed application supports and advances the established goals of the Capital Region Economic Development Council and will have a significant regional impact.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany does hereby approve and endorse the application of the Arbor Hill Development Corporation to New York State Homes and Community Renewal Main Street Program for funding to aid the Arbor Hill Rising Project.

The resolution passed by the following voice vote of all Council Members elected voting in favor thereof:

Affirmative – Applyrs, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson

Affirmative 15 Negative 0 Abstain 0

Resolution Number 49.72.15R was co-sponsored by Council Members Robinson, Kimbrough and Krasher.

Council Member Bailey introduced RESOLUTION NUMBER 50.72.15R, which was approved by unanimous voice vote:

RESOLUTION OF THE COMMON COUNCIL SUPPORTING THE CENTRAL DISTRICT MANAGEMENT ASSOCIATION, INC. IN ITS APPLICATION TO NEW YORK STATE HOMES AND COMMUNITY RENEWAL FOR STATE ASSISTANCE IN FUNDING THE STEAM GARDEN PROJECT

WHEREAS, the Central District Management Association, Inc. is requesting financial aid from the State of New York to assist in funding for The STEAM Garden Project in the City of Albany; and

WHEREAS, the Central District Management Association, Inc. is applying to New York State Homes and Community Renewal for funding under the New York Main Street Program; and

WHEREAS, the Central District Management Association, Inc. is applying for these funding sources through the 2015 New York State Consolidated Funding Application Round; and

WHEREAS, the grant applications require that the applicant obtain the approval and endorsement of the governing body of the municipality in which the project will be located.

WHEREAS, the proposed application supports and advances the goals of the adopted Albany 2030 comprehensive plan, the citywide economic development strategy and applicable neighborhood revitalization plans; and

WHEREAS, the proposed application supports and advances the established goals of the Capital Region Economic Development Council and will have a significant regional impact.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany does hereby approve and endorse the application of the Central District Management Association, Inc. to New York State Homes and Community Renewal Main Street Program for funding to aid The STEAM Garden Project.

The resolution passed by the following voice vote of all Council Members elected voting in favor thereof:

Affirmative – Applyrs, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson

Affirmative 15 Negative 0 Abstain 0

Resolution Number 50.72.15R was co-sponsored by Council Members Robinson, Kimbrough and Krasher.

Council Member Bailey introduced RESOLUTION NUMBER 51.72.15R, which was approved by unanimous voice vote:

RESOLUTION OF THE COMMON COUNCIL SUPPORTING LEGAL AID SOCIETY OF NORTHEASTERN NEW YORK, INC. IN ITS APPLICATION TO NEW YORK STATE HOMES AND COMMUNITY RENEWAL FOR STATE ASSISTANCE IN FUNDING THE LASNNY CIVIL LEGAL SERVICES CENTER PROJECT

WHEREAS, the Legal Aid Society of Northeastern New York, Inc. is requesting financial aid from the State of New York to assist in funding for the LASNNY Civil Legal Services Center Project in the City of Albany; and

WHEREAS, the Legal Aid Society of Northeastern New York, Inc. is applying to New York State Homes and Community Renewal for funding under the New York Main Street Program; and

WHEREAS, the Legal Aid Society of Northeastern New York, Inc. is applying for these funding sources through the 2015 New York State Consolidated Funding Application Round; and

WHEREAS, the grant applications require that the applicant obtain the approval and endorsement of the governing body of the municipality in which the project will be located.

WHEREAS, the proposed application supports and advances the goals of the adopted Albany 2030 comprehensive plan, the citywide economic development strategy and applicable neighborhood revitalization plans; and

WHEREAS, the proposed application supports and advances the established goals of the Capital Region Economic Development Council and will have a significant regional impact.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany does hereby approve and endorse the application of the Legal Aid Society of Northeastern New York, Inc. to New York State Homes and Community Renewal Main Street Program for funding to aid the LASNNY Civil Legal Services Center Project.

The resolution passed by the following voice vote of all Council Members elected voting in favor thereof:

Affirmative – Applrys, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson

Affirmative 15 Negative 0 Abstain 0

Council Member Conti introduced RESOLUTION NUMBER 51.72.15R, which was approved by unanimous voice vote:

RESOLUTION OF THE COMMON COUNCIL SUPPORTING THE WASHINGTON PARK CONSERVANCY, INC. IN ITS APPLICATIONS TO THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION FOR STATE ASSISTANCE IN FUNDING THE WASHINGTON PARK PLAYGROUND REPLACEMENT PROJECT

WHEREAS, the Washington Park Conservancy, Inc. is requesting financial aid from the State of

New York to assist in funding for the Washington Park Playground Replacement Project in the City of Albany; and

WHEREAS, the Washington Park Conservancy, Inc. is applying to the New York State Office of Parks, Recreation and Historic Preservation for funding under the Environmental Protection Fund Municipal Grant Program; and

WHEREAS, the Washington Park Conservancy, Inc. is applying for these funding sources through the 2015 New York State Consolidated Funding Application Round; and

WHEREAS, the grant applications require that the applicant obtain the approval and endorsement of the governing body of the municipality in which the project will be located.

WHEREAS, the proposed application supports and advances the goals of the adopted Albany 2030 comprehensive plan, the citywide economic development strategy and applicable neighborhood revitalization plans; and

WHEREAS, the proposed application supports and advances the established goals of the Capital Region Economic Development Council and will have a significant regional impact.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany does hereby approve and endorse the application of the Washington Park Conservancy, Inc. to the New York State Office of Parks, Recreation and Historic Preservation Environmental Protection Fund Municipal Grant Program for funding to aid the Washington Park Playground Replacement Project.

The resolution passed by the following voice vote of all Council Members elected voting in favor thereof:

Affirmative – Applrys, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson

Affirmative 15 Negative 0 Abstain 0

Resolution Number 52.72.15R was co-sponsored by Council Members Krasher, Golby and Fahey.

Council Member Bailey introduced RESOLUTION NUMBER 53.72.15R, which was approved by unanimous voice vote:

RESOLUTION OF THE COMMON COUNCIL SUPPORTING THE HISTORIC ALBANY FOUNDATION IN ITS APPLICATIONS TO THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION FOR STATE ASSISTANCE IN FUNDING THE DISTILLERY AND REGIONAL TASTING ROOM AT 48 HUDSON - ALBANY PROJECT

WHEREAS, the Historic Albany Foundation is requesting financial aid from the State of New York to assist in funding for the Distillery and Regional Tasting Room at 48 Hudson - Albany Project in the City of Albany; and

WHEREAS, the Historic Albany Foundation is applying to the New York State Office of Parks, Recreation and Historic Preservation for funding under the Environmental Protection Fund Municipal Grant Program; and

WHEREAS, the Historic Albany Foundation is applying for these funding sources through the 2015 New York State Consolidated Funding Application Round; and

WHEREAS, the grant applications require that the applicant obtain the approval and endorsement of the governing body of the municipality in which the project will be located.

WHEREAS, the proposed application supports and advances the goals of the adopted Albany 2030 comprehensive plan, the citywide economic development strategy and applicable neighborhood revitalization plans; and

WHEREAS, the proposed application supports and advances the established goals of the Capital Region Economic Development Council and will have a significant regional impact.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany does hereby approve and endorse the application of the Historic Albany Foundation to the New York State Office of Parks, Recreation and Historic Preservation Environmental Protection Fund Municipal Grant Program for funding to aid the Distillery and Regional Tasting Room at 48 Hudson - Albany Project.

The resolution passed by the following voice vote of all Council Members elected voting in favor thereof:

Affirmative – Applrys, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson

Affirmative 15 Negative 0 Abstain 0

Resolution Number 53.72.15R was co-sponsored by Council Member Doesschate.

Council Member Kornegay introduced RESOLUTION NUMBER 54.72.15R, asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL SUPPORTING THE CITY OF ALBANY IN ITS APPLICATIONS TO THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION FOR STATE ASSISTANCE IN FUNDING THE PLAYGROUND INFRASTRUCTURE IMPROVEMENTS PROJECT

WHEREAS, the City of Albany is requesting financial aid from the State of New York to assist in funding for the Playground Infrastructure Improvements Project in the City of Albany; and

WHEREAS, the City of Albany is applying to the New York State Office of Parks, Recreation and Historic Preservation for funding under the Environmental Protection Fund Municipal Grant Program; and

WHEREAS, the City of Albany is applying for these funding sources through the 2015 New York State Consolidated Funding Application Round; and

WHEREAS, the grant applications require that the applicant obtain the approval and endorsement of the governing body of the municipality in which the project will be located.

WHEREAS, the proposed application supports and advances the goals of the adopted Albany 2030 comprehensive plan, the citywide economic development strategy and applicable neighborhood revitalization plans; and

WHEREAS, the proposed application supports and advances the established goals of the Capital Region Economic Development Council and will have a significant regional impact.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany does hereby approve and endorse the application of the City of Albany to the New York State Office of Parks, Recreation and Historic Preservation Environmental Protection Fund Municipal Grant Program for funding to aid the Playground Infrastructure Improvements Project.

The resolution passed by the following vote of all Council Members elected voting in favor thereof:

Affirmative – Applrys, Bailey, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, O’Brien and Robinson

Negative – Commisso and Krasher

Affirmative 13 Negative 2 Abstain 0

Resolution Number 54.72.15R was co-sponsored by Council Members Kimbrough, Robinson, Doesschate, Herring and Fahey.

Council Member Bailey introduced RESOLUTION NUMBER 55.72.15R, which was approved by unanimous voice vote:

RESOLUTION OF THE COMMON COUNCIL SUPPORTING DOWNTOWN ALBANY BUSINESS IMPROVEMENT DISTRICT IN ITS APPLICATION TO NEW YORK STATE HOMES AND COMMUNITY RENEWAL FOR STATE ASSISTANCE IN FUNDING THE DOWNTOWN ALBANY NYMS TARGET AREA PROJECT

WHEREAS, the Downtown Albany Business Improvement District is requesting financial aid from the State of New York to assist in funding for the Downtown Albany NYMS Target Area Project in the City of Albany; and

WHEREAS, the Downtown Albany Business Improvement District is applying to New York State Homes and Community Renewal for funding under the New York Main Street Program; and

WHEREAS, the Downtown Albany Business Improvement District is applying for these funding sources through the 2015 New York State Consolidated Funding Application Round; and

WHEREAS, the grant applications require that the applicant obtain the approval and endorsement of the governing body of the municipality in which the project will be located.

WHEREAS, the proposed application supports and advances the goals of the adopted Albany 2030 comprehensive plan, the citywide economic development strategy and applicable neighborhood revitalization plans; and

WHEREAS, the proposed application supports and advances the established goals of the Capital Region Economic Development Council and will have a significant regional impact.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany does hereby approve and endorse the application of the Downtown Albany Business Improvement District to

New York State Homes and Community Renewal Main Street Program for funding to aid the Downtown Albany NYMS Target Area Project.

The resolution passed by the following voice vote of all Council Members elected voting in favor thereof:

Affirmative – Applrys, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson

Affirmative 15 Negative 0 Abstain 0

Resolution Number 55.72.15R was co-sponsored by Council Member Kornegay.

Council Member Conti introduced RESOLUTION NUMBER 56.72.15R, which was approved by unanimous voice vote:

RESOLUTION OF THE COMMON COUNCIL SUPPORTING ELECTRONIC BODY ARTS, INC. IN ITS APPLICATION TO NEW YORK STATE HOMES AND COMMUNITY RENEWAL FOR STATE ASSISTANCE IN FUNDING THE ART PARK ON LARK PROJECT

WHEREAS, Electronic Body Arts, Inc. is requesting financial aid from the State of New York to assist in funding for the Art Park on Lark Project in the City of Albany; and

WHEREAS, Electronic Body Arts, Inc. is applying to New York State Homes and Community Renewal for funding under the New York Main Street Program; and

WHEREAS, Electronic Body Arts, Inc. is applying for these funding sources through the 2015 New York State Consolidated Funding Application Round; and

WHEREAS, the grant applications require that the applicant obtain the approval and endorsement of the governing body of the municipality in which the project will be located.

WHEREAS, the proposed application supports and advances the goals of the adopted Albany 2030 comprehensive plan, the citywide economic development strategy and applicable neighborhood revitalization plans; and

WHEREAS, the proposed application supports and advances the established goals of the Capital Region Economic Development Council and will have a significant regional impact.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany does hereby approve and endorse the application of Electronic Body Arts, Inc. to New York State Homes and Community Renewal Main Street Program for funding to aid for the Art Park on Lark Project.

The resolution passed by the following voice vote of all Council Members elected voting in favor thereof:

Affirmative – Applrys, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson

Affirmative 15 Negative 0 Abstain 0

Resolution Number 56.72.15R was co-sponsored by Council Member Fahey.

Council Member Flynn asked for passage of RESOLUTION NUMBER 22.52.15R (RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF CATHERINE M. FAHEY AS A MEMBER OF THE LIVING WAGE COMPLIANCE COMMITTEE), which had been previously introduced.

The resolution passed by the following vote of all Council Members elected voting in favor thereof:

Affirmative – Applyrs, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, O’Brien and Robinson

Negative - Krasher

Affirmative 14 Negative 1 Abstain 0

Council Member Flynn asked for passage of RESOLUTION NUMBER 23.52.15R (RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF KORY HOGAN AS A MEMBER OF THE LIVING WAGE COMPLIANCE COMMITTEE), which had been previously introduced.

The resolution passed by the following voice vote of all Council Members elected voting in favor thereof:

Affirmative – Applyrs, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson

Affirmative 15 Negative 0 Abstain 0

Council Member Flynn asked for passage of RESOLUTION NUMBER 24.52.15R (RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF BERNIE MULLIGAN AS A MEMBER OF THE LIVING WAGE COMPLIANCE COMMITTEE), which had been previously introduced.

The resolution passed by the following voice vote of all Council Members elected voting in favor thereof:

Affirmative – Applyrs, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson

Affirmative 15 Negative 0 Abstain 0

Council Member Flynn asked for passage of RESOLUTION NUMBER 25.52.15R (RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF ELGIN JOSEPH TAYLOR, SR. AS A MEMBER OF THE LIVING WAGE COMPLIANCE COMMITTEE), which had been previously introduced.

The resolution passed by the following voice vote of all Council Members elected voting in favor thereof:

Affirmative – Applyrs, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson

Affirmative 15 Negative 0 Abstain 0

Council Member Flynn asked for passage of RESOLUTION NUMBER 26.52.15R (RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF ANITA THAYER AS A MEMBER OF THE LIVING WAGE COMPLIANCE COMMITTEE), which had been previously introduced.

The resolution passed by the following voice vote of all Council Members elected voting in favor thereof:

Affirmative – Applyrs, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson

Affirmative 15 Negative 0 Abstain 0

Council Member Herring asked for passage of RESOLUTION NUMBER 37.62.15R (RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF WILLIAM J. BRANDOW AS A MEMBER OF THE HISTORIC RESOURCES COMMISSION), which had been previously introduced.

The resolution passed by the following voice vote of all Council Members elected voting in favor thereof:

Affirmative – Applyrs, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson

Affirmative 15 Negative 0 Abstain 0

Council Member Igoe asked for passage of RESOLUTION NUMBER 41.72.15R (RESOLUTION OF THE COMMON COUNCIL CONSENTING TO WORKING OUT-OF-CLASS ADJUSTMENTS REGARDING THE POSITIONS OF CHIEF INSPECTOR AND DEPUTY INSPECTOR), which had been previously introduced.

The resolution passed by the following vote of all Council Members elected voting in favor thereof:

Affirmative – Applyrs, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson

Negative – Commisso and Krasher

Affirmative 13 Negative 2 Abstain 0

Council Member Kimbrough moved to amend RESOLUTION NUMBER 42.71.15R, which was approved by unanimous voice vote:

RESOLUTION OF THE COMMON COUNCIL SUPPORTING THE CREATION OF A STATEWIDE “TRUTH, JUSTICE AND RECONCILIATION COMMISSION”

WHEREAS, according to a 2012 report by the Center for Law and Justice, there is, and has been for decades, an alarming overrepresentation of people of color in the Capital Region’s criminal and juvenile justice systems at every stage of the process from arrest to imprisonment; and

WHEREAS, pursuant to the “War on Drugs” and the Rockefeller drug laws, African-American and Hispanic men and women have been incarcerated, and removed from their families and communities, for non-violent offenses in disproportionate numbers; and

WHEREAS, the State of New York has relied upon a policy of mass incarceration that has incarcerated hundreds of thousands of people for drug offenses over the past 41 years with the majority of them coming from African American and Hispanic communities; and

WHEREAS, even after serving their sentences, individuals who have been convicted of felonies continue to suffer from discrimination, facing significant barriers in education, housing, employment and voting, which further harms them and their communities; and

WHEREAS, the City wishes to repair the harm caused to individuals of color, their families and neighborhoods, as the result of mass incarceration, and to work toward redesigning the law enforcement and criminal justice systems to prevent such disparate impact in the future.

NOW, THEREFORE, BE IT RESOLVED, that the City of Albany Common Council hereby supports the creation of a statewide Truth, Justice and Reconciliation Commission (“Justice Commission”), for the purpose of righting injustices and inequities resulting from local and state law enforcement and criminal justice policies as applied to its minority communities and to work toward a more just society.

BE IT FURTHER RESOLVED, that the City of Albany Common Council supports a Justice Commission that will be “fashioned after a Commission created in South Africa” at the end of government-sanctioned apartheid in order to fairly address the injustices that occurred under that system.

RESOLVED, that the Justice Commission shall be racially, ethnically diverse and as inclusive as possible of all stakeholders.

RESOLVED, that the Justice Commission should be entrusted with and authorized to engage in the following endeavors:

- a) Examining the impact of the aforementioned drug laws and other law enforcement policies that have resulted in mass incarceration and the inequitable treatment of minorities and other disadvantaged persons;
- b) Hearing testimony of those adversely affected, particularly those who were incarcerated for non-violent low-level crimes;
- c) Considering some type of restitution to overcome the significant barriers in education, housing and employment ~~monetary or otherwise~~, for individuals who received unduly harsh treatment or served long sentences;
- d) Reviewing the cases of individuals who are still in prison for non-violent offenses, with a view toward release;
- e) Brainstorming ideas for significantly decreasing the current jail and prison populations;
- f) Reviewing laws that unfairly discriminate against those convicted of felonies after their release, in housing, employment, education or voting;
- g) Establishing a process whereby future laws will be reviewed with an assessment of their racial impact;
- h) Establishing an office for affirmative action, in employment, housing and education to provide opportunities in communities with high incarceration rates or to those who were adversely affected by the incarceration of family members;

- i) Establishing a liaison agency between urban areas and communities of color in order to heal racial divisiveness and establish trust and respect; and
- j) Seeking other additional effective solutions to the mistrust engendered by past practices.

RESOLVED, that copies of this resolution be forwarded to Governor Andrew Cuomo, Senate Majority Leader John Flanagan, Assembly Speaker Carl Heastie, State Senator Neil Breslin and Assemblymembers Patricia Fahy and John McDonald III.

The resolution passed by the following voice vote of all Council Members elected voting in favor thereof:

Affirmative – Applyrs, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson

Affirmative 15 Negative 0 Abstain 0

Resolution Number 42.71.15R 9As Amended) was co-sponsored by Council Members Applyrs, Bailey, Conti, Doesschate, Golby, Kornegay, Krasher and Robinson.

The remaining Resolutions on the pending agenda were held at the request of President Pro Tempore Conti.

MISCELLANEOUS AND UNFINISHED BUSINESS:

ADJOURNMENT

A motion was made for adjournment.

President McLaughlin stated, hearing no objections, that the Council was adjourned.

A true record of the Common Council Minutes of July 20th, 2015.

CASHAWNA PARKER
Legislative Aide to the Council